

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

QUINCY GILSTRAP

Plaintiff

CIVIL ACTION NO.:

URT TEXAS, INC., MART CAUDLE  
CORPORATION, D.B.A. WALNUT  
HILL WRECKER and URT DALLAS  
TOWING, INC. AND UNITED ROAD  
TOWING, INC.

Defendants

**PLAINTIFF'S ORIGINAL COMPLAINT**

COMES NOW, Quincy Gilstrap, Plaintiff herein, and complains of Defendants, URT Texas, Inc., URT Dallas Towing, Inc., Mart Caudle Corporation, D.B.A. Walnut Hill Wrecker, and United Road Towing, Inc., in this action and for cause of action would respectfully show the following:

**JURISDICTION AND VENUE**

This action alleges violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000-e, et seq., and Jurisdiction is founded on 42 U.S.C. 2000-e, et seq., 28 U.S.C. § § 1331, 1343 (1)(2)(3)(4). Venue is proper in the Northern District of Texas, Dallas Division, pursuant to 28 U.S.C. § 1391 because the claims arose in this district.

**PARTIES**

1) Plaintiff, Quincy Gilstrap is an individual residing in Dallas County, Texas.

At all times relevant hereto, Plaintiff was an employee by the following by Defendants:

- a. URT Texas, Inc., located at 18861 90<sup>th</sup> Ave, Suite E, Mokena, Illinois 60448
- b. URT Dallas Towing, Inc., located at 18861 90<sup>th</sup> Ave, Suite E, Mokena, Illinois 60448
- c. Mart Caudle Corporation, D.B.A. Walnut Hill Wrecker, and/or
- d. United Road Towing, Inc., located at 18861 90<sup>th</sup> Ave, Suite E, Mokena, Illinois 60448 and/or 11239 Goodnight Lane, Dallas, Texas 75229.

Plaintiff has been subjected to unlawful employment practices committed in the State of Texas by employees, agents and/or representatives of Defendants.

2) Defendants, URT Texas, Inc., URT Dallas Towing, Inc., Mart Caudle Corporation, D.B.A. Walnut Hill Wrecker, and/or United Road Towing, Inc., are corporations and employers within the meaning of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000-e, et. seq, and are doing business in the State of Texas. All Defendants may be served by serving their registered agent Corporation Service Company DBA CSC- LAW, 211 E. 7<sup>th</sup> Street, Austin, Texas 78701.

### **PROCEDURAL REQUIREMENTS**

3) Plaintiff has timely filed charges of race and retaliation discrimination with the EEOC, alleging violation of Title VII of the Civil Rights Acts of 1964, as amended, 42 U.S.C.A., 2000-e, et seq. **Plaintiff has complied with all administrative requirements for perfecting his Charge.**

On March 17, 2020, the EEOC issued Plaintiff a Notice of Right to Sue and Plaintiff filed this Complaint within 90 days from receipt of such notice. The Charge of Discrimination and Right to Sue Letter are attached hereto and incorporated herein by reference, as Exhibit A and Exhibit B, respectively.

### **FACTUAL SUMMARY**

4) Beginning in October 2018 and continuing through June 19, 2019, Plaintiff was repeatedly subjected discrimination based on his race, black and retaliation. On June 19, 2019

Plaintiff's employment terminated based his race and retaliation. During October 2018 through June 19, 2020 Plaintiff was subjected to a hostile working environment and different terms and conditions of employment based on his race and was retaliated against Plaintiff after he complained about discrimination at his worksite.

5) On or about October 18, 2019, a White employee, Virgil Anderson, a Mechanics' Supervisor was yelling and cussing at Plaintiff, which was witnessed by other employees called him "nigger". Defendant failed to take any correction taken against Virgil Anderson, related to this incident.

6) On or about January 3, 2019, a White tow truck contractor of Defendant was dropping off towed vehicles to Defendant's yard and there was a dispute that occurred between Plaintiff and the contractor's driver regarding where a vehicle was to be dropped in the yard. The reached toward gun in his waist area and threatened to shoot Plaintiff. Plaintiff reported the incident to Defendant's Operational Manager, however there was no action taken against the White contractor as he was allowed to continue to drop vehicles off at Defendant's yard where Plaintiff was working.

7) On or about November 27, 2018 a co-worker, intentionally broke the windsheild of Plaintiff's personal vehicle. Defendant took no action against related to this incident.

8) On or about February 2019, a White female and repeat customer of Defendants' called Plaintiff "nigger". Defendant failed to take any action related to the incident such as banning the customer from their premises.

9) Defendant retaliated against Plaintiff by not approving paid time off related to his grandmother's hospitalization and related to his wife's pregnancy and he was told that such time had to be requested in advance. However, White and Hispanic employees were routinely allowed paid to time off work for similar requests for time off, without the requirement of requesting such time off,

in advance.

10) In addition, In early April 2020, Defendant laid off Plaintiff's father, an employee of Defendants for over 20 years, shortly after the EEOC issued Plaintiff's Notice of Right to Sue on March 17, 2020.

### **CAUSES OF ACTION**

11) The Plaintiff herein reaffirms and reaffirms each and every assertion set forth in this Complaint and further claims that:

12) Plaintiff was subjected to race and retaliation discrimination, which caused Plaintiff's termination of employment with the Defendant, resulted from discrimination based of his race, Black and the retaliation.

13) Within 300 days of the acts of which he complains, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (EEOC). Any allegations in this action which pertain to events prior to 300 days before the EEOC Charges pertain to the allegations of continuing violation.

14) This suit is timely filed in accordance therewith. Defendant is the direct cause of Plaintiff's injuries including, but not limited to compensatory and punitive damages, attorney's fees, pre-judgment and post-judgment interest and any other such other and further relief, at law or in equity, as the Court deems necessary and proper.

### **COURT COSTS AND ATTORNEY'S FEES**

15) The Plaintiff herein reaffirms and alleges each and every assertion set forth in the complaint and further claims that:

16) As a result of Defendant's wrongful conduct, Plaintiff was compelled to retain Brenda J.

Williams to represent him the matter. Pursuant to 42 U.S.C Section 1988, and the considerations related to punitive damages, Plaintiff seeks his reasonable and necessary attorney's fees and court costs.

**JURY DEMAND**

17) Plaintiff demands a trial by jury in each and every issue of fact raised by the complaint.

**PRAYER**

18) WHEREFORE, Plaintiff prays for judgment against Defendants for compensatory, punitive and general damages, back pay, front pay, and declaratory and injunctive relief, attorneys' fees, costs and interest and such other and further general relief in law or equity to which Plaintiff may be reasonably entitled.

Respectfully submitted,

/s/ Brenda J. Williams

Brenda J. Williams

SBN 21515300

Bank of America, Oak Cliff Tower

400 South Zang Blvd., Suite 1200

Dallas, Texas 75208

(214) 946-0865(tel)

(214) 948-3038(fax)

bwilliams@bjwilliamslaw.com

**ATTORNEY FOR PLAINTIFF**

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC <b>450-2019-05519</b>	
<b>Texas Workforce Commission Civil Rights Division</b> and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) <b>Mr. Quincy R Gilstrap</b>		Home Phone <b>(469) 778-8384</b>	Year of Birth
Street Address City, State and ZIP Code <b>1602 E Frankford, Apt 2206, CARROLLTON, TX 75007</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>WALNUT HILL WRECKER</b>		No. Employees, Members	Phone No. <b>(972) 620-2160</b>
Street Address City, State and ZIP Code <b>11239 Goodnight Ln, DALLAS, TX 75229</b>			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest                      Latest <b>10-01-2018                      06-19-2019</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <b>I. PERSONAL HARM:</b> On or about October 2019 I complained to Terra Wolfe that I was being discriminated because of my race. On or about June 19, 2019, after being subjected to a hostile work environment and different terms and conditions because of my race, I felt forced to resign. <b>II. RESPONDENTS REASON FOR ADVERSE ACTION:</b> No reason was given. <b>III. DISCRIMINATION STATEMENT:</b> I believe I have been discriminated against because of my race (black), in violation of Title VII of the Civil			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.  <b>Digitally signed by Quincy Gilstrap on 10-04-2019 12:00 AM EDT</b>		NOTARY - When necessary for State and Local Agency Requirements  I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 5 (11/09)

**CHARGE OF DISCRIMINATION**

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Charge Presented To: Agency(ies) Charge No(s):

☐

FEPA

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EEOC

**450-2019-05519****Texas Workforce Commission Civil Rights Division**

and EEOC

*State or local Agency, if any*

Rights Act of 1964, as amended. I also believe I have been retaliated against in violation of Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Digitally signed by Quincy Gilstrap on 10-04-2019 12:00 AM EDT**

NOTARY - *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Ex. B

EEOC Form 161-B (11/18)

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Quincy R. Gilstrap  
1602 E Frankford, Apt 2206  
Carrollton, TX 75007

From: Dallas District Office  
207 S. Houston St.  
3rd Floor  
Dallas, TX 75202



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

450-2019-05519

Tammy R. Johnson,  
Enforcement Supervisor

(972) 918-3627

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

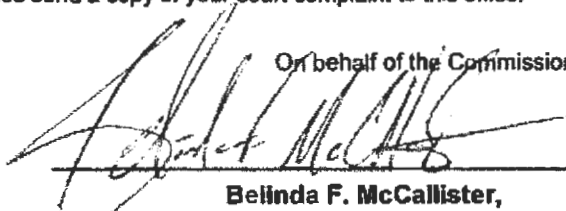


The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Belinda F. McCallister,  
District Director

9-17-20

(Date Mailed)

Enclosures(s)

cc:

Mary Kay K. Conley  
Corporate Human Resources Manager  
United Road Towing  
18861 90th Avenue Suite E  
Mokena, IL 60448

Brenda Williams, Esq.  
LAW OFFICE  
400 South Zang Blvd. Suite 1200  
Dallas, TX 75208



**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** – not 12/1/10 – in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

***IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.***

Enclosures(s)

cc: **Bernie K. Crotty**  
**United Road Towing**  
**18861 90th Avenue Suite E**  
**Mokena, IL 60448**